

UNITED STATES DISTRICT COURT FOR THE Eastern District of New York

**FEDERAL LAW
COLLECTIVE ACTION NOTICE**

If you worked for Sirob Imports, Inc. at any time between May 19, 2012 to the present, please read this notice.

This is a court authorized notice. This is not a solicitation from a lawyer.

- Employees have sued Sirob Imports, Inc. in Federal Court under both New York State Law and Federal Law to recover damages.
- This notice concerns your rights under Federal Law.
- The Federal Law claims are proceeding as a collective action.
- The Federal Law collective action includes all hourly workers who were employed by Sirob Imports, Inc. at any time from May 19, 2012 to the present.
- The Court has not decided whether Sirob Imports did anything wrong. Your legal rights may be affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS UNDER FEDERAL LAW	
ASK TO BE INCLUDED	If you ask to be included, you keep the possibility of getting money or benefits that may come from a trial or a settlement in this lawsuit, but you give up any rights to separately sue Sirob about the same legal claims in this lawsuit. <u>If you wish to be included, you must complete the form at the end of this Notice.</u>
DO NOTHING	By doing nothing, you will not be included in this collective action. This means that you give up the possibility of getting money or benefits that may come from a trial or settlement in this lawsuit if those bringing the lawsuit are successful. You keep any rights to sue separately about the same legal claims in this lawsuit.

YOUR OPTIONS ARE EXPLAINED IN THIS NOTICE. TO ASK TO BE INCLUDED, YOU MUST ACT BEFORE [INSERT 60 DAYS FROM DATE OF MAILING].

1. Why Did I Get This Notice

You are getting this notice because records show that you are an hourly employee who previously worked *or* currently works for Sirob Imports, Inc.

A lawsuit has been brought against Sirob claiming that workers were not paid for all overtime hours worked. A trial may be necessary to decide whether the claims being made against Sirob Imports are correct. The Honorable Gary R. Brown, United States Magistrate Judge in the Eastern District of New York, is overseeing this collective action. The lawsuit is known as Guevara v. Sirob Imports, Inc., 15-cv-2895.

2. What is this lawsuit about?

This lawsuit claims that employees were not paid for all hours of overtime worked. The lawsuit makes the following claims:

1. There was a 20 minute morning break which was deducted from the workers' pay. The lawsuit claims that the law requires Sirob Imports to pay employees for this break time.
2. Sirob rounded down hours paid at the end of the day to the nearest half hour worked. For example, if an employee worked until 5:45 PM, he was only paid until 5:30 PM. Similarly, if an employee worked until 6:20 the employee was only paid until 6:00 PM. Plaintiffs are suing to recover this unpaid time.

3. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons who have similar claims can bring a lawsuit that includes others who have similar claims. All hourly workers employed by Sirob who decide to participate in the case are part of a "Collective" or "Collective Action Members." The current and former employees who brought this lawsuit- and all of the Collective Action Members are called the Plaintiffs. The companies that they have sued are called Defendants. One Court resolves the issues for everyone who decides to join the case.

4. Why is this lawsuit a collective action?

The Court has conditionally authorized this case to proceed as a collective action under § 216(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). Specifically, the Court found that the Plaintiffs who filed this lawsuit are "similarly situated" to other hourly workers at the Defendants grocery stores.

5. What is the position of Sirob Imports, Inc.?

Sirob claims that it has properly paid employees for all overtime hours worked.

6. Has the Court decided who is right?

The Court has not decided whether the Plaintiffs or the Defendants are correct. By establishing the Collective and issuing the Notice, the Court is not suggesting that the allegations against Sirob Imports have merit or that Plaintiffs will win or lose the case.

7. What are the Plaintiffs asking for?

Plaintiffs are seeking to recover all overtime wages, and an additional amount as “liquidated damages.” Plaintiffs also are seeking recovery of attorneys' fees and costs.

8. Can I join this lawsuit?

To be eligible to join this lawsuit, you must have been employed by Sirob Imports, Inc. at any time since May 19, 2012:

9. I’m still not sure if I am included?

If you are still not sure whether you are included, you can get free help by calling or writing the lawyers in this case, at the phone number or address listed below.

10. What happens if I do nothing at all?

If you choose not to join this lawsuit, you will not be affected by any ruling, judgment or settlement rendered in this case, whether favorable or unfavorable. You will not be entitled to share any amounts recovered by Plaintiffs as part of this lawsuit. You also will be free to independently retain your own counsel and file your own individual lawsuit, subject to any defenses that might be asserted. You should be aware that your federal wage and hour claims are limited by a two or three-year statute of limitations, and delay in joining this action, or proceeding separately, may result in some or all of your claims expiring as a matter of law. If you proceed separately, you may also have to pay your own lawyer.

11. What happens if I join this lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or judgment favorable to the Collective. By joining this lawsuit, you designate the named Plaintiff(s) as your representative(s), and to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering of an

agreement with Plaintiffs' counsel regarding payment of attorneys' fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join the lawsuit. While this suit is pending, you may be asked to provide documents or information relating to your employment, or to appear and testify at deposition and/or in a trial of this matter.

12. Can Sirob retaliate against me if I join the lawsuit?

It is a violation of federal law for your employer to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case. If you believe that you have been penalized, discriminated against, or disciplined in any way as a result of your receiving this notification, considering whether to join this lawsuit, or actually joining this lawsuit, you may contact Plaintiffs' lawyers or any other lawyers of your choosing.

13. I am an undocumented immigrant. Can I still participate?

Yes. You can participate even if you are an undocumented immigrant, and you will not be asked about your immigration status.

14. I don't speak English. Can I still participate?

The attorney representing the Plaintiffs, Steven J. Moser, and his staff speak Spanish. If you are asked to testify an interpreter will be provided for you.

15. How do I ask to be included in the case?

Enclosed is a form called "Consent to join." If you choose to join this lawsuit, it is extremely important that you read, sign and promptly return the Consent to Join Form. An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to:

Moser Law Firm, P.C.
3 School Street, Suite 207B
Glen Cove, New York 11542
reception@moseremploymentlaw.com
Tel: 516-671-1150
Fax: 516-882-5420

The signed Consent to Join form must be postmarked by **INSERT 60 DAYS FROM MAILING** If your signed Consent to Join Form is not postmarked by **INSERT 60 DAYS FROM MAILING**, you will not participate in this lawsuit, you will not share in a monetary recovery, and you will not be bound by any settlement or judgment.

16. Do I have a lawyer in this case?

If you choose to join this lawsuit you will be represented by:

Steven J. Moser
Moser Law Firm, P.C.
3 School Street, Suite 207B
Glen Cove, New York 11542
www.moseremploymentlaw.com

17. How will my lawyers be paid?

The named Plaintiffs have entered into a contingency fee agreement with Plaintiffs' counsel, which means that if you do not win, you will not have to pay any attorneys' fees. Under the fee agreement, if the Plaintiff's win, Plaintiffs' counsel will receive a percentage of any settlement obtained or money judgment entered. The Court may also be asked to determine the amount of fees. The fees may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the Court to be separately paid by the Defendants, or may be a combination of the two. A copy of the contingency fee agreement executed by the named Plaintiffs may be obtained upon request from Plaintiffs' counsel identified above.